

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

HONORABLE NANCY G. EDMUNDS

v.

No. 12-CR-20030

D-1 JEFFREY BEASLEY,
D-4 PAUL STEWART,
D-5 RONALD ZAJAC,

Defendants.

_____/ JURY TRIAL - VOLUME 35

Detroit, Michigan - December 5, 2014

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1 Detroit, Michigan

2 Friday, December 5, 2014

3 1:38 p.m.

4 - - -

5 THE COURT: Good afternoon. Be seated. Actually, I
6 think this is probably a pretty easy two questions, but I
7 wanted to consult with you before I responded.

8 It says, "Judge, on Count 5, does the dollar value
9 specified in the count have a relevance on the charge?"

10 That's the Las Vegas trip. I mean, I think the
11 answer to that is no, it's not jurisdictional, it's just an
12 estimate of what the government believes was spent.

13 MR. PISZCZATOWSKI: 47 grand, right?

14 THE COURT: 67.

15 And then the second part of the question is, "What
16 does the 'in or about April 2007' in Count 5 tie or limit the
17 timeframe to? I.e., there were several Mayfield trips in late
18 '06 to mid '07."

19 I mean, I think we can tell them that this is
20 referring to the Las Vegas trip.

21 MR. REX: Yeah.

22 MR. PISZCZATOWSKI: I think that's easy, yeah.

23 THE COURT: All right. Okay. Want to bring them
24 in, Carol?

25 MR. REX: Are you going to say the dollar value has

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1 no relevance, or how are you going to say it?

2 THE COURT: No, I'm going to say it's not
3 jurisdictional, that it's an estimate of what the government
4 believes was spent on that trip. It's not an element of the
5 charge as some of the other dollar amounts are.

6 (Jury in 1:39 p.m.)

7 THE COURT: Be seated. Well, I know you guys are
8 working hard. I think I have pretty straightforward answers to
9 your two questions.

10 With respect to the first part of the question, "On
11 Count Number 5, does the dollar value specified in the count
12 have a relevance on the charge?" The answer is no, it's not
13 jurisdictional, it just an estimate of what the government
14 believes was spent on that particular trip, not an element of
15 the charge, the dollar amount.

16 And with respect to the second part, "What does the
17 'in or about April 2007' in Count 5 tie or limit the timeframe
18 to?" I can advise you that Count 5 is specifically about the
19 Las Vegas trip. Okay?

20 THE JUROR: Okay.

21 THE COURT: Thank you.

22 (Jury out 1:40 p.m.)

23 MR. LADASZ: Your Honor, I do have one quick matter.

24 THE COURT: Yes.

25 MR. LADASZ: Two days ago, as Mr. Gardey and myself

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1 were going through the exhibits, we had realized that it was
2 Defense Exhibit 136 was not formally received into evidence but
3 we had stipulated that it should have been. We'd like to just
4 make a record that it would be received. The jury does
5 actually have it.

6 THE COURT: All right. I'll officially receive it
7 into evidence.

8 (Defendants' Exhibit 136 received into evidence.)

9 MR. LADASZ: Thank you, Judge.

10 MR. PISZCZATOWSKI: Your Honor, can I just, with
11 respect to the -- you know, I don't know if the Court -- did we
12 have the indictment that they gave us back, Your Honor? Do we
13 still have that?

14 THE COURT: I think we probably do.

15 MR. PISZCZATOWSKI: Can we just have that marked? I
16 don't want to look at it. Obviously, we can't, because it may
17 have markings. But it may have some relevance on appeal if we
18 have to deal with appeal. So I just ask that it be preserved,
19 I guess.

20 THE COURT: Yeah, we won't throw it out. You'll get
21 everything back when the case is over one way or another.

22 THE CLERK: You hold it for appeal time, all the
23 exhibits.

24 (Recess until 3:45 p.m.)

25 * * *

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1 (Attorneys were not present for the following.)

2 (Jury in 3:45 p.m.)

3 THE COURT: Ladies and gentlemen, I understand that
4 you're exhausted, and I can understand that for sure. It's
5 been a very long week, it's been a very long couple of months,
6 and I respect so much how hard you are working to reach a
7 consensus in this case. It's very difficult. I don't think
8 there's any job in the United States system of justice that is
9 more difficult than being a juror in a criminal case. It's
10 really, really hard, and you've been working very hard at it,
11 and I just want to say that I really appreciate it. I know the
12 lawyers really appreciate it, too.

13 By all means, go home, relax on the weekend, think
14 about what your fellow jurors have said, what your impressions
15 are. Take a step back, take a deep breath, and, you know,
16 we'll see how things evolve on Monday. That's fine.

17 I think it's always a good idea to take a break, to
18 take a rest. The last really large criminal trial I had, when
19 the jury reached a verdict on a given day, they asked to have
20 the night to make sure that that was what they wanted to do,
21 and they came back and returned the verdict the next day. I'm
22 not saying do that, I'm just saying, you know, a break is a
23 good idea. It gives you time to think and to kind of sort
24 things out.

25 So I hope you have a good weekend. Thank you for

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1 your hard work in this. Get some rest. I'll try to get some
2 rest, too, and we'll see you on Monday.

3 ALL JURORS: Thank you.

4 (Jury out 3:47 p.m.)

5 (Proceedings adjourned 3:47 p.m.)

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C E R T I F I C A T I O N

10 I, Suzanne Jacques, Official Court Reporter for the United
11 States District Court, Eastern District of Michigan, Southern
12 Division, hereby certify that the foregoing is a correct
13 transcript of the proceedings in the above-entitled cause on the
14 date set forth.

15

16

17 s:_____

18 Suzanne Jacques, RPR, RMR, CRR, FCRR
19 Official Court Reporter
Eastern District of Michigan

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